

THE HONORABLE RICARDO S. MARTINEZ

**David R. Boyajian**, WSBA #50195

Email: dboyajian@schwabe.com

**Noah Jarrett**, WSBA #31117

Email: njarrett@schwabe.com

SCHWABE, WILLIAMSON & WYATT, P.C.

1211 SW 5th Ave., Suite 1900

Portland, OR 97204

Telephone: 503.222.9981

Facsimile: 503.796.2900

*Attorneys for Defendant Vigor Marine, LLC*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WESTERN TOWBOAT COMPANY,

Plaintiff,

v.

VIGOR MARINE, LLC,

Defendant.

IN ADMIRALTY

Case No. 2:20-cv-00416-RSM

DISCLOSURE OF EXPERT  
TESTIMONY

Pursuant to the court's December 8, 2020 Order and FRCP 26(a)(2), below is a list of the expert witnesses retained by Vigor Marine, LLC ("Vigor") in the above captioned matter. As discovery is not yet complete and Vigor has yet to conduct key depositions in this case, these experts have not yet prepared written reports. Such reports will be disclosed as they become available.

1. *RADM Thomas H. Gilmour, USCG (Ret.)*. Mr. Gilmour has been retained to provide expert opinion as to United States Coast Guard procedures, protocols, and communications in connection with the tow plan and the voyage, and on seamanship, standards of care, navigational decisions, etc.

2. *Premal Shah, P.E., President, Heger Dry Dock, Inc.* Mr. Shah has been  
DISCLOSURE OF EXPERT TESTIMONY - 1

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204  
Telephone: 503.222.9981

1 retained to provide expert opinion as to the drydock, what it would take to sink it, and  
2 reasons why the dry dock may have sunk.

3 3. *Mike Naylor, Principal, Heger Dry Dock, Inc.* Mr. Naylor has been retained  
4 to provide expert opinion as to the drydock, what it would take to sink it, and the reasons  
5 why the dry dock may have sunk.

6 4. *Greg Challenger, Polaris Applied Sciences, Inc.* Mr. Challenger has been  
7 retained to provide expert opinion as to damages related to the sinking of the dry dock, in  
8 particular how damages, mitigation, cooperation, etc. affect final determination of penalties  
9 and damages assessed by NOAA under the National Marine Sanctuaries act..

10 5. *Captain Russ Johnson.* Capt. Johnson has been retained to provide an expert  
11 opinion as to marine towing operations, seamanship, and professional standards of care.

12 6. *Ken Campbell, Commanders Weather.* Mr. Campbell has been retained to  
13 provide expert opinion as to weather, forecasting, routing, and the availability of weather  
14 information during the voyage.

15 7. As fact discovery is ongoing, Vigor reserves the right to add additional  
16 experts to this disclosure, and will amend same as necessary.

17 Dated this 5th day of March, 2021.

18 SCHWABE, WILLIAMSON & WYATT, P.C.

19  
20 By: /s/ David R. Boyajian  
21 David R. Boyajian, WSBA #50195  
22 Email: dboyajian@schwabe.com  
23 Noah Jarrett, WSBA #31117  
24 Email: njarrett@schwabe.com  
25 1211 SW 5th Ave., Suite 1900  
26 Portland, OR 97204  
*Attorneys for Vigor Marine, LLC*

DISCLOSURE OF EXPERT TESTIMONY - 2

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204  
Telephone: 503.222.9981

**CERTIFICATE OF SERVICE**

I hereby certify that on 5<sup>th</sup> day of March, 2021, I served the following NOTICE OF APPEARANCE on:

Anthony J. Gaspich  
Attorney  
Gaspich Law Office PLLC  
8094 Barthrop Pl. NE  
Bainbridge Island, WA 98110  
(206) 956-4204  
(206) 956-4214  
tony@gaspichwilliams.com

J. Stephen Simms (pro hac vice application pending)  
Simms Showers LLP  
201 International Circle, Suite 250  
Baltimore, MD 21030  
(410) 783-5795  
(410) 510-1789  
jssimms@simmsshowers.com

☒ by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all associated counsel.

DATED this 5<sup>th</sup> day of March, 2021.

/s/ David R. Boyajian  
David R. Boyajian, WSBA #50195